



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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DEVAL L. PATRICK
Governor

MAEVE VALLELY BARTLETT
Secretary

DAVID W. CASH
Commissioner

June 17, 2014

Dear Solid Waste Facility Operator:

On February 14, 2014 the Massachusetts Department of Environmental Protection (MassDEP), Bureau of Waste Prevention, promulgated revisions to 310 CMR 19.000, the “Solid Waste Management” regulations. Those revisions included new requirements for third party inspectors/inspections. We are writing to remind you that MassDEP is delaying the effective date for the implementation of the third-party inspection (TPI) requirements.

Third Party Inspectors/Inspections

The revised regulations included a number of changes to the requirements for third party inspections of all types of solid waste facilities. These changes standardize the frequency of inspections, establish a performance standard for inspections and require third-party inspectors to register with MassDEP. These requirements were to be effective 180 days after the promulgation date of February 14, 2014. The revised effective date is now January 1, 2015.

Third Party Inspectors

To provide a higher quality inspection and greater accountability, the revised regulations require third-party inspectors to submit their credentials to be qualified as a third-party inspector of solid waste facilities. All qualified third-party inspectors will be listed on MassDEP’s website. Only third-party inspectors listed may conduct third party inspections of solid waste facilities. The Department is delaying this requirement to allow interested parties a reasonable amount of time to apply for and be registered as a third party inspector before the new third-party inspection requirement for solid waste facilities takes effect. MassDEP also believes that a large pool of listed qualified third party inspectors benefits the regulated community and that starting an annual inspection requirement on the first of the year makes planning and tracking inspections easier.

A link to the Third Party Qualifications Statement (BWPSW48) application to register as a third-party inspector is available at:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/bwp-sw-48-tpi-qualifications.html>. You may want to contact your facility's current third-party inspectors to remind them of this new requirement. The first list of qualified third party inspectors will be published in July 2014. The Department is planning to update that list on a monthly basis.

Third Party Inspections

Please review 19.018 regarding the frequency and performance standards of third-party inspections for your facility. Of note is the requirement for third-party inspection reports to be certified by the third-party inspector and for the owner to certify the report before submitting it to MassDEP and the local board of health.

Third Party Inspection Forms

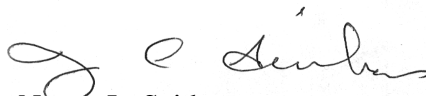
The revised regulations require that all third party inspection reports be submitted on a form provided by MassDEP. MassDEP is developing those forms and expects to have them available by October 1, 2014. MassDEP will provide notice to solid waste facilities when those materials become available.

Waste Ban Plan Revisions

MassDEP wants to remind solid waste facilities of the requirement for submitting a revised waste ban plan by July 1, 2014. You should have received a separate communication about that requirement on or about May 1, 2014.

If you have questions on these issues, please contact the solid waste permit chief in the appropriate MassDEP regional office.

Sincerely,



Nancy L. Seidman,
Assistant Commissioner
Bureau of Waste Prevention